

Summary
Water Pollution Control Board
Indiana Government Center South
Conference Center Room 32
Indianapolis, Indiana
Wednesday, July 9, 2008

1. CALL TO ORDER

Chairman Gary Powdrill called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Gary Powdrill (Chairman); Ted Alexander; Jim Flannery; Ken Hedge; Dave Wagner; Jim Ray (proxy for Robert E. Carter, IDNR) Brandon Seitz (proxy for Becky Skillman, Lt. Governor); Howard Cundiff (proxy for Dr. Judith A. Monroe, IDOH); and Pam Fisher (proxy for Nathan J. Feltman, Sec. of IEDC).

Present for IDEM: Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ, and John Nixon, Attorney, Office of Legal Counsel (OLC).

2. INTRODUCTION OF BOARD MEMBERS

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

3. APPROVAL OF SUMMARY

Chairman Powdrill called for the approval of the May 14, 2008, board summary. A motion was made and seconded to approve the May 14, 2008, board summary. The WPCB voted unanimously to approve the summary without change.

4. REPORTS

Ms. Martha Clark Mettler reported the following:

- NPD-018: Arsenic in the Ground Water Quality Standards (GWQS) draft remains in public circulation for comments until July 11, 2008. It's on track to be presented to both the WPCB and the Solid Waste Management Board in September. She added that the LSA Doc. # 06-280 Arsenic Revisions to GWQS rulemaking would follow.
- 2008 303(d) List – EPA had no significant changes to the draft so IDEM would not be bringing it back to the WPCB. Chairman Powdrill thanked Jody Arthur for doing such a fine job on the 303(d) list.
- Environmental Impact Statements (IEPA) – Ms. Mettler reminded the board that this rulemaking had derived from the 2007 Sunseting rules. She said that Nancy King is coordinating the rulemaking for all 3 program areas. She mentioned that the main stakeholders are other agencies that might have to go through this process.
- Antidegradation – IDEM received at the June 25th Stakeholder meeting lots of feedback concerning the direction on where to go next. It was agreed upon to establish smaller workgroups to discuss topics. She thought the rulemaking would come to the water board for preliminary adoption by the end of 2008.
- *E.coli* (Compliance with the Single Sample Maximum limitation) – Mr. Bruno Pigott, Assistant Commissioner, OWQ said the final rule had been sent to EPA for approval.
- Indianapolis CSO Wet Weather Limited Use Subcategory – Mr. Pigott discussed the memo pertaining to the Indianapolis CSO rulemaking. He explained how EPA's comment had required IDEM to include the number of discharges in waterbodies receiving the limited use subcategory designation. IDEM therefore removed the rulemaking from today's agenda to allow time to make the changes. He predicted that it would take a couple more months before the rulemaking would be ready to come before the board in October or November.
- 2008 Effect of Recent Rulemakings - Ms. Metter reported on the effective rules for 2008. She added that the Wastewater Operator Certification final rule was too new to be included in this year's report.

- NPDES Permit Backlogged – Mr. Pigott reported that there was a slight increase in permitting backlog. He implied that IDEM’s focus would be to ensure permits are issued in the 180 days timeframe.

5. RULE ACTION

#06-156 Pretreatment Streamlining

Chairman Powdrill opened the public hearing for preliminary adoption of the Pretreatment Streamlining draft rules. Mr. Pigott gave a PowerPoint presentation that explained what the overall purpose of the rulemaking was. He clarified why IDEM was adopting the federal requirements into the rulemaking and the optional changes IDEM selected.

There was one public commenter:

Mr. Glenn Pratt, concerned citizen, discussed concerns about how IDEM had developed the rulemaking without public participation. He asked IDEM to provide information on the one pretreatment alternative that IDEM chose not to include in the draft rule.

Public hearing ended. Having no board discussion, a motion was made and seconded to preliminarily adopt the draft rules. With a voice vote, the board voted unanimously in favor of preliminary adoption.

#08-206 Review of Rules that Do Not Expire under IC 13-14-9.5-1.1

Chairman Powdrill opened the public hearing to consider possible rulemaking under IC 13-14-9.5. Mr. John Nixon spoke for the agency.

There were no public commenters and no board discussion. A motion was made and seconded to take no further rulemaking action on the rules. With a voice vote, the board voted unanimously not to direct IDEM to conduct further rulemaking on the Rules as presented.

6. OPEN FORUM

Mr. Glenn Pratt, concerned citizen, discussed issues regarding IDEM not having enough staff to implement certain programs adequately.

Martha Clark Mettler, Deputy Assistant Commissioner, OWQ asked the board to provide observers for the upcoming Antidegradation small workgroups.

7. ADJOURNMENT

Thereafter, Chairperson Powdrill adjourned the WPCB meeting at 3:15 p.m.

The next WPCB meeting is scheduled for Wednesday, August 13, 2008, Indiana Government Center South, Conference Room 32 at 1:30 p.m. E.D.T.

CHAIRPERSON

The summary is derived from Office of Water Quality Rules Section staff notes; however, a court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Water Quality, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>